VIA FACSIMILE: (571) 273-8300 Date of Deposit: February 3, 2009 Atty. Docket No.: CST-213 PAIR Customer No.: 31012

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE FEB 0 4 2009

In re Application of:

Bacus, et al.

Application Serial No.:

10/735,118

Filing Date:

December 11, 2003

Title:

Method For Predicting Response to Her-2 Directed Therapy

Examiner:

Goddard, Laura B.

Art Unit:

1642

Atty. Docket No.:

CST-213

Confirmation No.:

4570

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, Central facsimile number: (571) 273-8300 on this 3rd day of February, 2009.

This M. Happalardo

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136(a)

This petition is filed concurrently with a response to the Office Action of September 4, 2008 in the above-identified application. Applicants hereby petition for a four (4) month extension of time to respond. With the extension, the response is due on or before February 4, 2009.

Serial No. 12/074,876 Petition Under 37 CFR § 1.78(a)

Dated: February 3, 2009

REGEIVER GENTRAL EAX GENTER

FEB 04 2009

The Commissioner is hereby authorized to charge \$865.00 (small entity) as required by 37 C.F.R. §1.17(a)(4) as well as any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-1774, Reference No. CST-213.

Respectfully submitted,

Andrew J. Warner, Reg. No. 56,049
Associate Intellectual Property Counsel

CELL SIGNALING TECHNOLOGY, INC.

3 Trask Lane

Danvers, MA 01923 awarner@cellsignal.com

(978) 867-2343